

Memorandum of Agreement
among
Department of Health, Office of Shellfish Programs
and
Department of Ecology, Water Quality Program
and
Puget Sound Water Quality Action Team

This Memorandum of Agreement includes the Washington Department of Health (hereinafter referred to as “Health”) the Washington Department of Ecology (hereinafter referred to as “Ecology”), and the Puget Sound Water Quality Action Team (hereinafter referred to as “Action Team”). The intent of this agreement is to update and outline the working relationship and responsibilities to be assumed by Health, Ecology, and the Action Team in their response to shellfish growing area classification downgrades in accordance with Element SF-7 of the 1994 Puget Sound Management Plan. This agreement updates the original agreement executed by Health on December 23, 1992 and by Ecology on January 5, 1993.

Purpose

This agreement outlines the general roles, responsibilities and course of action to be followed by Ecology, Health and the Action Team in developing a response to a shellfish area classification downgrade.

Closure Response Strategy Description

A response strategy will be developed when Health downgrades the classification of a commercial shellfish growing area previously classified as Approved, Conditionally Approved or Restricted or when Health downgrades the classification of a recreational shellfish beach classified as Open or Conditionally Open.

A response strategy is a cooperative agreement among all relevant jurisdictional agencies affected by the shellfish growing area downgrade. The response strategy is a working document describing tasks to be accomplished by state agencies, local and Tribal governments, and other governmental organizations with authority to take actions to restore sanitary conditions in the growing area. It is expected that all affected agencies will participate in the development of the strategy and agree to implement the components for which they are responsible.

A response strategy should be quickly developed to outline the initial activities needed to identify pollution sources and corrective measures. The response strategy will be updated and modified as necessary to ensure complete and effective implementation.

Typical components of a response strategy will include the following:

1. Summary of closure data and conditions

2. Goals for restoration and maintenance of the area.
3. Identification of lead agency/entity.
4. Mechanism for inclusion and ongoing notification of all affected agencies in the strategy development and implementation process.
5. Identification and assessment of pollution sources.
6. Review of regulations, ordinances, and policies to determine needs for long-term maintenance of water quality.
7. Approaches to be used for correction of pollution sources, including target completion dates and identification of agencies responsible for each correction step.
8. Identification of short and long-term funding mechanisms including state assistance.
9. A schedule for each task identified as necessary to achieve an upgrade in the classification of the shellfish growing area.
10. Identification of state technical assistance available to affected agencies.
11. Provision for public information and involvement.

As a working document, it is understood that specific tasks may be changed or methods amended as new information is acquired and as the strategy evolves, however, the content of the strategy will generally follow the above structure. The response strategy should be as short and concise as possible while ensuring clear and adequate content.

Responsibilities

The following description of the responsibilities of Health, Ecology, and the Action Team Support Staff are premised on that fact that Health has responsibility for growing area classification and shellfish sanitation; Ecology has primary responsibility for enforcing state water quality standards and distributing funds for pollution source identification and remediation; and the Action Team Support Staff has responsibility for tracking progress of Puget Sound Plan implementation and helping local governments secure funding to implement the Puget Sound Plan.

A. Health Shall:

- ♦ Notify affected state agencies, local governments, growers, Tribes, and other governmental agencies of the reclassification prior to issuing the reclassification order.

- ♦ Issue the order declaring a change in growing area classification and document the need for reclassification. Copies of the reclassification order shall be sent to affected state agencies, local government(s), growers, Tribes, and other governmental agencies.
- ♦ Develop the initial press release.
- ♦ Notify the affected county government(s) of the requirement to establish a shellfish protection district within 180 days following the reclassification.
- ♦ Convene the response strategy core group within thirty days after issuing the reclassification order. The initial activity of the core group is to identify other agencies, organizations, and persons that can contribute to the closure response strategy.
- ♦ Provide technical assistance and consultation to affected agencies, as needed, in such areas as on-site sewage, shellfish sanitation and shoreline investigations.
- ♦ Evaluate improvements in water quality and shoreline conditions and update affected agencies on the results of water quality monitoring.

B. Ecology Shall:

Ecology's Water Quality Program Watershed Management Section has the initial responsibility of notifying other pertinent Ecology Programs prior to issuance of the reclassification order and then will act as coordinator within the Department of Ecology.

- ♦ Assist local and Tribal governments and other affected agencies in identifying potential funding mechanisms to implement the response strategy.
- ♦ Provide technical assistance and consultation to affected agencies, as needed, regarding:
 - On-site sewage treatment systems with flow rates greater than 14,500 gallons per day;
 - Surface water investigations, stormwater best management practices and other relevant issues; and
 - Compliance with water pollution control laws and regulations.
- ♦ Be the lead agency in water quality enforcement issues, as per Chapter 90.48 RCW and Chapter 90.64 RCW.

C. Action Team Support Staff Shall:

- ♦ Coordinate state technical assistance to local governments regarding response strategy activities that implement the Puget Sound Plan.

- ♦ Assist local governments in developing shellfish protection districts and programs to address pollutant sources that threaten shellfish growing areas.
- ♦ Assist local governments and others to secure funding for activities in the response strategies that implement the Puget Sound Plan.
- ♦ Track the progress of local governments and others in implementing response strategy activities that implement the Puget Sound Plan.

D. Ecology, Health, and the Action Team Support Staff Shall:

- ♦ Encourage a local or Tribal government or a conservation district to lead the closure response strategy process.
- ♦ Seek participation by local governmental agencies and other local organizations and interests throughout development of the response strategy.
- ♦ Collaborate and cooperate to develop and lead implementation of the response strategy if a local agency is not identified to act as lead. In these instances, convene the Response Strategy Core Group at regular intervals to review progress of the response strategy.
- ♦ Review staffing levels and reassign staff, as feasible, to conduct aspects of the response strategy.
- ♦ Encourage staff of affected agencies to participate, as feasible, in field implementation of the response strategy.

Schedule

The Memorandum of Agreement shall be effective when signed by the three parties and may be terminated upon 30 days written notice by any of the three parties. The agreement may be amended at any time by mutual consent of the involved parties.

December 1997